

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated January 29, 2008 (hereinafter Office Action) has been considered but is believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the § 103(a) rejection based upon the teachings of U.S. Publication No. 2004/0049779 by Sjoblom (hereinafter “Sjoblom”) in view of EP 1191722 to Oyagi (hereinafter “Oyagi”) because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. For example, neither of the asserted references teaches or suggests exchanging associating data between a media receiver and a user terminal, as claimed in each of the independent claims. Sjoblom is acknowledged as failing to teach these limitations at page two of the Office Action, and the reliance on Oyagi to overcome this deficiency is misplaced as Oyagi fails to at least teach or suggest a user terminal of a telecommunication system, as claimed. In contrast, Oyagi teaches a DAB receiver (allegedly asserted as corresponding to the claimed media receiver), “which is an apparatus provided for exclusive use to receive digital audio broadcasting signals” (paragraph [0006], lines 4-6). The DAB receiver operates in a radio broadcasting system (not a telecommunication system) and is not capable of communicating in a telecommunication system; therefore, the DAB receiver cannot correspond to, or communicate with, a user terminal, as claimed. Instead, the cited portions of Oyagi describe the functionality of the DAB receiver but make no mention of the DAB server exchanging associating data with a user terminal of a telecommunication system. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See, e.g.*, MPEP § 2143.03. The Examiner appears to have ignored certain claim limitations such as those directed to exchanging

associating data between a media receiver and a user terminal, which are not taught by either of the cited references. For example, neither Sjoblom nor Oyagi has been shown to teach exchanging associating data between a media receiver and a user terminal. Since neither of the asserted references teaches at least these limitations, any combination of Sjoblom and Oyagi must also fail to teach such limitations thereby rendering the rejections improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-14 and 17-28 depend from independent Claims 1 and 16, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Sjoblom and Oyagi. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-14 and 17-28 are also patentable over the asserted combination of Sjoblom and Oyagi.

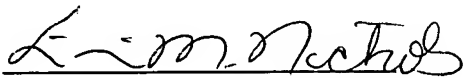
It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.156US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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